



General Assembly

Fifty-ninth session

Official Records

Distr.: General

2 December 2004

English

Original: French

Third Committee

Summary record of the 52nd meeting

Held at Headquarters, New York, on Tuesday, 23 November 2004, at 3 p.m.

Chairman: Mr. Kuchinsky. (Ukraine)
Later: Ms. Groux (Vice-Chairperson) (Switzerland)

Contents

Agenda item 100 : Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 101 : Promotion and protection of the rights of children (*continued*)

Agenda item 103 : Elimination of racism and racial discrimination (*continued*)

a) Elimination of racism and racial discrimination (*continued*)

Agenda item 104 : Right of peoples to self-determination (*continued*)

Agenda item 105 : Human rights questions (*continued*)

b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

c) Human rights situations and reports of special rapporteurs and representatives

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-62108 (E)



The meeting was called to order at 3.25 p.m.

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued) (A/C.3/59/L.74)

Draft resolution A/C.3/59/L.74: New international humanitarian order

1. **The Chairman** stated that the draft resolution had no budgetary implications and recalled that when it had been introduced, Bangladesh, Mexico and Thailand had joined the sponsors and Jordan had made some oral amendments.
2. **Mr. Hyassat** (Jordan) announced that Qatar had become a sponsor. His delegation hoped that, in accordance with tradition, States would adopt the draft by consensus.
3. **Mr. Khane** (Secretary of the Committee) announced that Benin had joined the sponsors.
4. *Draft resolution A/C.3/59/74, as orally revised, was adopted without a vote.*
5. **Mr. Prica** (Bosnia and Herzegovina) reiterated that his country had endeavoured for many years to promote a new international humanitarian order. After thanking the many countries that had contributed towards the preparation of the draft, he welcomed the fact that the resolution had once again been adopted by consensus.
6. **Ms. Tomar** (India), noting that the draft made extensive use of the terms of other resolutions, remarked that several paragraphs should not, in fact, have appeared in the document. The scope of the draft resolution had been considerably modified. Paragraph 8 should not be taken to mean that States agreed with the ideas and recommendations contained in the Secretary-General's report. The agenda for humanitarian action referred to in paragraph 2 should be based on the guiding principles for humanitarian assistance clearly set forth in Section I of the annex to General Assembly resolution 46/182, whose implementation would contribute towards the alleviation of suffering. The "new realities" and "new challenges" mentioned in the same paragraph referred to populations affected by humanitarian crises, in

particular those arising from natural disasters. The central challenge for the international community was to maintain international cooperation in assisting affected States to cope with natural disasters and complex emergency situations, with particular emphasis on the phase from relief to development, including through the provision of adequate financial aid. It was also necessary to ensure that the provision of humanitarian assistance did not entail a diminution of the resources available for international development cooperation. Her delegation further considered that the international community should not forget the needs of populations living in emergency situations that had fallen into oblivion. As for the text of operative paragraph 3 referring to the Secretary-General's efforts to promote adherence to and implementation of international humanitarian, refugee and human-rights law in humanitarian emergency situations, her delegation took the view that the obligations and principles invoked in the paragraph were those set forth in General Assembly resolution 46/182.

7. **Mr. Cumberbach Miguén** (Cuba) said that the full extent of the consequences of natural disasters, as compared with other humanitarian emergency situations, was all too often underestimated. The Secretary-General's report on the new international humanitarian order (A/59/554) contained references to several new concepts of a somewhat dubious nature, including that of "protection culture" which had cropped up in several recent resolutions relating to humanitarian aid. His delegation did not espouse such ideas, which, under cover of providing assistance to victims of humanitarian crises of various kinds, were designed to rewrite international law and alter the purposes and principles of the Charter of the United Nations. The implications of paragraphs added to the draft resolution on United Nations activities in the field of humanitarian assistance should in future be examined with care.

Agenda item 103: Elimination of racism and racial discrimination (continued) (A/C.3/59/L.71)

Draft resolution A/C.3/59/L.71: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

8. Mr. Al-Motawa (Qatar) requested that action on draft resolution A/C.3/59/L.71 be postponed until the following day, as consultations were still in progress.

9. Mr. Khane (Secretary of the Committee) read out the budgetary implications of the draft resolution. Since the US\$ 29 000 needed for the holding of a high-level seminar during the first three days of the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action were to be provided from extra-budgetary resources, adoption of the draft resolution would not necessitate opening an additional credit. It would be recalled that US\$ 240 000 had already been included in the programme budget for the 2004-2005 biennium in order to enable the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action to carry out their mandate effectively; accordingly, no additional credit would have to be opened should paragraph 26 of the draft resolution be adopted. He then read out paragraph 39 of the draft and recalled that the terms of reference of the Special Rapporteur on present-day forms of racism, racial discrimination, xenophobia and related intolerance fell within the category of activities of a perennial nature and that credits for such activities were already included in the programme budget for the 2004-2005 biennium. In conclusion, he drew the Committee's attention to the contents of Section VI, Part B of resolution 45/248 concerning the role of the Fifth Committee and of the Advisory Committee on Administrative and Budgetary Questions.

10. The Chairman said that, in the absence of any objection, action on draft resolution A/C.3/59/L.71 would be postponed until the next day.

11. *It was so decided.*

(a) Elimination of racism and of racial discrimination (continued) (A/C.3/59/L.67/Rev.1)

Draft resolution A/C.3/59/L.67/Rev.1: Measures to be taken against political platforms and activities based upon doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or

ethnic exclusiveness and xenophobia, including neo-Nazism

12. The Chairman said that the draft resolution had no budgetary implications and recalled that, in introducing the draft, the representative of Belarus had orally revised it.

13. Mr. Khane (Secretary of the Committee) read out the revisions in questions. In paragraph 4, the words "with appreciation" were deleted.

14. Mr. Taranda (Belarus) expressed the hope that, as in the past, the Committee would adopt the draft resolution by consensus, thereby confirming the opposition of the United Nations to all doctrines of superiority based on racism, racial discrimination, xenophobia and related intolerance.

15. Mr. Camponovo (United States of America) said that his delegation was joining the consensus on the draft resolution on the understanding that the draft in no way encouraged States to restrict the freedom of expression and of opinion. The best way to fight pernicious ideas was through discussion and criticism, not through repression.

16. *Draft resolution A/C.3/59/L.67/Rev.1, as orally revised, was adopted without a vote.*

Agenda item 104: Right of peoples to self-determination (continued) (A/C.3/59/L.79/Rev.1 and A/C.3/59/L.75)

Draft resolution A/C.3/59/L.70/Rev.1: The right of the Palestinian people to self-determination

17. The Chairman said that the draft resolution had no budgetary implications.

18. Mr. El-Badri (Egypt) announced that the following countries had become sponsors of the draft resolution: Andorra, Armenia, Austria, Barbados, Belgium, Bolivia, Botswana, Burkina Faso, Cape Verde, Congo, Cyprus, Democratic People's Republic of Korea, Ecuador, Estonia, Finland, France, Gambia, Greece, Guinea-Bissau, Guyana, Hungary, India, Ireland, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Monaco, Netherlands, Niger, Nigeria, Norway, Poland, Portugal, Romania, San Marino, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Sweden, Swaziland, Turkey, United Republic of Tanzania,

Zambia and Zimbabwe. Pointing out that only the sixth and seventh preambular paragraphs of the draft had been revised, he explained that the revisions were of a purely linguistic nature and did not in any way affect the contents of the draft. He read out those paragraphs, as revised, and enjoined all members of the Committee to show their solidarity with the Palestinian people by voting in favour of the draft.

19. Mr. Khame (Secretary of the Committee) announced that Afghanistan, Albania, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Central African Republic, Grenada, Iceland, Liberia, Madagascar, South Africa, Switzerland, Ukraine and Venezuela had become sponsors of the draft.

20. Mr. van Loosdrecht (Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey) and the potential candidate countries of the Stabilization and Association Process (Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro), as well as the European Free Trade Association countries members of the European Economic Area, reaffirmed that the European Union was firmly resolved that the Palestinian people should be enabled to exercise its inalienable right to self-determination, including the possibility to establish a sovereign State. It welcomed the goals outlined in the Road Map presented by the Quartet and accepted by both parties (viz., two States, a viable, sovereign and independent Palestinian State existing peacefully side by side with a State of Israel having recognized and secure frontiers) and was convinced that that solution represented the best guarantee of Israel's security and the best way towards its recognition as a regional partner. The European Union was actively participating in the Quartet's efforts to achieve a definitive, equitable and comprehensive settlement of the conflict in conformity with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and with the Road Map presented by the Quartet on 30 April 2003. The right to self-determination included the holding of elections within the framework of a democratic society. The European Union wished to stress its readiness to assist the electoral process in the Palestinian territories. It enjoined the Palestinian Authority to hold elections in accordance with international standards, under the authority of an independent electoral commission, and invited Israel to facilitate the elections. The European

Union wished to reiterate its undertaking to cooperate with the Quartet and with partners in the Arab world in assisting the Palestinian people to realize its right to self-determination.

21. Ms. García-Mates (Venezuela) said that her delegation supported the Palestinian people's struggle for self-determination and was in favour of the draft resolution.

22. The Chairman said that a recorded vote had been requested.

23. Mr. El-Nadri (Egypt) inquired who had requested a recorded vote.

24. The Chairman replied that the request had been made by the delegation of the United States of America.

25. *A recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei-Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines,

Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States.

Abstentions:

Australia, Honduras, Papua New Guinea, Tuvalu.

26. Draft resolution A/C.3/59/L.70/Rev.1 was adopted by 169 votes to 5, with 4 abstentions*.

27. Ms. Kalay-Kleiman (Israel), recalling the declaration made by the Prime Minister of Israel in the Knesset on 25 October 2004, said that Israel recognized the right to self-determination of all peoples, including the people of Palestine. Far from wishing to impose its will on millions of Palestinians or wishing to control their destinies, Israel was deeply attached to the vision of peace in the Middle East formulated in the Road Map, providing for a permanent two-State solution to the Israeli-Palestinian conflict, as was attested by its disengagement plan acknowledged by the international community. However, the right to self-determination was not a blank cheque legitimizing the recourse to violence and terrorism, no more than it was an authorization to ignore the rights of other peoples to self-determination and security. Her delegation therefore deemed it inappropriate to politicise the issue of the right to self-determination – which already formed the subject of a resolution adopted by the Third Committee each year – by the

adoption of a partial draft resolution. It also considered it inopportune that the draft in question should focus on the rights of one of the two parties to the Israeli-Palestinian conflict and should invoke an advisory opinion that was highly controversial and warped. As stated in the Road Map, peace could be achieved only if the legitimate rights of both peoples, Israeli and Palestinian, were recognized, taken into account and negotiated.

28. Convinced that the draft resolution failed to reflect the reality of the situation, her delegation had voted against it. Advantage should be taken of the real opportunity that was presenting itself at that very moment, not in New York but in Gaza and Ramallah, so as to move forward towards the realization of the Road Map's objectives with a view to ending the violence and terrorism and to holding out a prospect of peace to all the peoples of the region.

29. Mr. Chel (Australia) said that, contrary to the preceding year when his delegation had voted for the draft resolution on the Palestinian people's right to self-determination, it had abstained from voting on the draft just adopted because of the insertion of the unhelpful and unfortunate reference to the advisory opinion rendered by the International Court of Justice on 9 July 2004. The reference was not likely to promote a settlement of the Israeli-Palestinian conflict and ran the risk of diverting the attention of both parties to the conflict from the urgent need to resume negotiations. In that connection, he recalled that at the tenth special emergency session of the General Assembly Australia had voted against resolution ES-10/14 requesting the International Court of Justice for an advisory opinion on the consequences of Israel's construction of the security barrier and had also voted against General Assembly resolution ES-10-15 on 20 July 2004.

30. Ms. Grant (Canada) said that her delegation unreservedly supported the right of the Palestinian people to self-determination and had voted for the draft resolution precisely because it proclaimed that right while at the same time emphasizing the importance of the process of negotiations towards its realization. However, Canada wished to make it officially known that, in its view, the reference – which was new – to the advisory opinion rendered by the International Court of Justice should have indicated the non-binding character of that opinion and that future resolutions should not cite an advisory opinion selectively or at least should

*The delegation of Mali informed the Committee that, had it been present at the voting, it would have voted in favour of the draft resolution.

balance any such reference by also referring to Israel's security problems.

31. Mr. D'Aleto (Argentina) said that his delegation, which endorsed the right of peoples to self-determination, had reaffirmed its support of the Palestinian people's right to establish a free and independent State by voting in favour of the draft resolution. Referring to the sixth preambular paragraph and, in particular, to the absolute ("erga omnes") quality of the right to self-determination, he said that that right could not be exercised in the absence of an active subject, namely, a people, and in that connection referred to paragraph 118 of the advisory opinion rendered by the International Court of Justice, according to which the existence of a "Palestinian people" was an incontrovertible fact.

32. Ms. Rasheed (Palestine), after welcoming the adoption of the draft resolution and expressing her delegation's thanks to the sponsors, said that the right of the Palestinian people to self-determination was, assuredly, undeniable. She therefore felt obliged to make known her grave concern at Israel's opposition to the draft resolution, fresh proof of the Israeli Government's rejection of the two-State solution. The settlement of the conflict was predicated upon each country's recognition of the other's sovereignty; far from being an end in itself, such recognition constituted an essential precondition. Yet to recognize the existence of the Palestinian people and its legitimate rights was impossible without recognizing its right to self-determination.

33. Her delegation was thoroughly perplexed by the negative vote cast by the United States, which ran counter to the many declarations made by the Government of that country in describing its own vision of the two States, Israel and Palestine, living peacefully side by side. The dichotomy was, to say the least, disappointing. It cast doubt upon the United States' mediation efforts in the search for a solution to the present tragic situation.

34. After referring to the 37 years of Israeli occupation, she said that, in a spirit of respect for the many Palestinians who, like the late Yasser Arafat, had given their whole lives to the right to live upon their own land in freedom and peace but had not lived to see their wish come true, the Palestinian people would continue the struggle to make that right not just an aspiration but a reality. In conclusion, she expressed

the hope that if a draft resolution on the same question were to be submitted again the following year, the Committee would adopt it unanimously.

Agenda item 105: Human rights questions: (b) human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/59/L.62 and amendments thereto in document A/C.3/59/L.77)

Draft resolution A/C.3/59/L.62: Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

35. The Chairman said that because of continuing consultations, the main sponsors had requested the postponement of action on the draft resolution until a later stage.

36. *It was so decided.*

(c) Human rights questions: human rights situation and reports of special rapporteurs and representatives (continued) (A/C.3/59/L.54)

37. Mr. Ali (Somalia) pointed out that in the voting sheet for the motion of adjournment relating to draft resolution A/C.3/59/L.48 Somalia was shown as voting against the motion, whereas in fact it had voted in favour.

Draft resolution A/C.3/59/L.54: Situation of human rights in the Democratic Republic of the Congo

38. The Chairman announced that the draft resolution had no budgetary implications and that the Republic of Moldova had requested to be withdrawn from the list of sponsors.

39. Ms. Bakker (Netherlands), speaking on behalf of the European Union, requested a suspension of the meeting to enable delegations to complete their consultations in connection with the draft resolution.

The meeting was suspended at 4.20 p.m. and resumed at 5.05 p.m.

40. Ms. Groux, Vice-Chairperson, took the Chair.

Agenda item 101: Promotion and protection of the rights of children (continued) (A/C.3/59/L.29/Rev.1, A/C.3/59/L.81, A/C.3/59/L.82 and Add.1, A/C.3/59/L.83)

Draft resolution A/C.3/59/L.29/Rev.1: Rights of the child

41. Mr. Cardoso (Brazil), after announcing that Burkina Faso, Cape Verde and Switzerland had become sponsors of the draft and thanking the European Union for its constructive cooperation during the informal consultations, drew attention to two changes in the text. In paragraph 51 (a), the words "with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session" should be deleted, as also should be subparagraph (e) of the same paragraph. In the absence of a consensus, the sponsors were thus relinquishing their proposal to the effect that the Third Committee should hold a debate focused on emerging problems relating to the rights of the child, and in particular on the impact of the Convention on the struggle against poverty and hunger, but they were not ruling out the possibility that the idea might be considered again in the future.

42. The Chairman said that the following countries had also joined the sponsors of the draft: Albania, Australia, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Cameroon, Canada, Central African Republic, Congo, Cote d'Ivoire, Grenada, Kazakhstan, Kyrgyzstan, Liechtenstein, Madagascar, Malawi, Mauritius, Mongolia, Mozambique, Namibia, Nepal, New Zealand, Philippines, Russian Federation, Rwanda, Serbia and Montenegro, Somalia, South Africa, Thailand, Togo, Tunisia and Zambia.

Amendments appearing in document A/C.3/59/L.81

43. Mr. Camponovo (United States) drew attention to a number of technical corrections made in the text of the amendments. In paragraph 1, the words "adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001," were deleted. Paragraph 3 was amended to read: "Delete operative paragraph 4", and a new paragraph 3 bis, reading "Delete operative paragraph 9", was added. In the second line of the first subparagraph of

paragraph 5, the word "ensuring" was replaced by "to ensure". Lastly, in paragraph 10, the word "and" was inserted before the words "takes note". He requested that a vote be taken on the amendments as a whole, with the exception of paragraphs 3 bis and 14, followed by separate votes on each of those two paragraphs.

Amendments appearing in document A/C.3/59/L.81 with the exception of paragraphs 3 bis and 14

44. Mr. Cardoso (Brazil), speaking in explanation of the sponsors' vote before the voting, rejected the proposed amendments and expressed surprise at the fact that some of them concerned paragraphs of the draft to which the author of the amendments had made no objection during the informal consultations. The proposed amendments to the second preambular paragraph and to operative paragraphs 2 and 4 minimized the importance of the Convention on the Rights of the Child, notwithstanding the fact that it was one of the world's most ratified instruments. The reference to corporal punishment in General Assembly resolution 58/157 represented an appreciable advance over the norms established in the Convention, and the proposed amendment to subparagraph (b) of that paragraph therefore constituted an unacceptable backward step. As for operative paragraph 25, the International Criminal Court was called upon to end the impunity of perpetrators of genocide, war crimes or crimes against humanity of which children were victims. By merely alluding to the Court, the proposed amendment minimized its importance, which was unacceptable. Lastly, the sponsors were radically opposed to the death penalty for minors below the age of 18 and therefore rejected the proposed amendment to paragraph 38 (a).

45. *A recorded vote was taken.*

In favour:

Palau, United States of America.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of

Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstentions:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cambodia, Democratic Republic of the Congo, Gambia, India, Iraq, Israel, Jamaica, Kuwait, Lebanon, Malaysia, Mauritania, Mongolia, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen.

46. *The amendments appearing in document A/C.3/59/L.81, with the exception of paragraphs 3 bis and 14, were rejected by 126 votes to 2, with 36 abstentions.*

Paragraph 3 bis

47. Mr. Cardoso (Brazil), speaking in explanation of the sponsors' vote before the voting, said that operational paragraph 9 was consequent upon recommendation C adopted by the Committee on the Rights of the Child at its thirty-fourth session on the

organization of its work. That recommendation was to be found in document A/59/41. Dividing the Committee into two chambers would help to clear the accumulated backlog of reports, a situation that was, in a sense, the price of the success of the Convention, which counted 192 States parties, with 85 States parties to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and 86 States parties to the Optional Protocol on the Involvement of Children in Armed Conflict. Since the establishment of two chambers would have budgetary implications, as indicated in document A/C.3/59/L/Add.1, the matter could not be considered at a conference of States parties. The General Assembly was called upon to take a decision in the matter, just as, at its forty-ninth session, it had approved an increase in the number of annual meetings of the Committee and its pre-session working groups. It should be noted that the measure would be an exceptional and temporary one and that the principle of equitable geographical distribution would be respected. For all those reasons, the sponsors rejected the proposed amendment.

48. *A recorded vote was taken.*

In favour:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Djibouti, Egypt, Gambia, Ghana, India, Iran (Islamic Republic of), Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United States, Viet Nam, Yemen.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Indonesia, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg,

Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstentions:

Bahamas, Barbados, Burundi, Democratic Republic of the Congo, Fiji, Guinea-Bissau, Iraq, Israel, Suriname, Uganda.

49. Paragraph 3 bis was rejected by 112 votes to 30, with 10 abstentions.

Paragraph 14

50. Mr. Cardoso (Brazil), speaking in explanation of the sponsors' vote before the voting, said that the sponsors wished paragraph 51 (c) to be maintained because of the importance of the role played by the Special Representative of the Secretary-General for Children and Armed Conflict.

51. A recorded vote was taken.

In favour:

Japan, Palau, United States.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt,

El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Abstentions:

Bahamas, Bahrain, Bangladesh, Barbados, Burundi, Iraq, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Suriname, Syrian Arab Republic, Uganda, United Arab Emirates, Yemen.

52. Paragraph 14 was rejected by 139 votes to 3, with 16 abstentions.

Amendment appearing in document A/C.3/59/L.83

53. Mr. Khane (Secretary of the Committee) said that if the proposed amendment were not adopted, draft resolution A/C.3/59/L.29/Rev.1 would have budgetary implications amounting to US\$ 3 000, which would be the cost of implementing operative paragraph 51 (d). That additional expenditure could be covered from extra-budgetary resources and would therefore not necessitate the opening of additional credits.

54. Ms. Khalil (Egypt), explaining the reasons for which the sponsors were proposing the amendment, said that, in the first place, according to article 50 of the Convention it was not for the General Assembly to decide to modify the working methods of the

Committee, that being the prerogative of States members. Second, the Convention provided that reports of States members had to be considered by the Committee as a whole. Third, a decision of the kind proposed in the draft resolution would create a dangerous precedent for the work of other treaty bodies. Fourth, if the Committee were divided into two chambers, the reports of States parties would not be considered with all necessary care and the principles of diversity and equitable geographical distribution would not be guaranteed. That would have negative repercussions not only on the procedures for the consideration of reports but also on the subsequent recommendations. Lastly, the issue still formed the subject of controversy within the Committee itself, which had not approved the recommendation relating to the two chambers.

55. Mr. Cardoso (Brazil), speaking in explanation of the sponsors' vote before the voting, enjoined all States to vote against the amendment, drawing attention in that connection to recommendation C of the Committee on the Rights of the Child, which clearly requested to be divided into two chambers.

56. *A recorded vote was taken.*

In favour:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States, Viet Nam, Yemen.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia,

Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstentions:

Angola, Antigua and Barbuda, Bahamas, Barbados, Bhutan, Democratic People's Republic of Korea, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Guinea-Bissau, Guyana, Iraq, Jamaica, Kyrgyzstan, Myanmar, Nepal, Nigeria, Papua New Guinea, Philippines, Russian Federation, Sierra Leone, Uganda.

57. *The amendment in document A/C.3/59/L.83 was rejected by 97 votes to 38, with 22 abstentions.*

Paragraph 9 of draft resolution A/C.3/59/L.29/Rev.1

58. Mr. Cardoso (Brazil), speaking in explanation of the sponsors' vote before the voting, said that, for the reasons already given, the sponsors would vote for the maintenance of the paragraph and enjoined other delegation to do likewise.

59. *A recorded vote was taken.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy,

Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Against:

Bahrain, Bangladesh, Cambodia, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States, Viet Nam, Yemen.

Abstentions:

Antigua and Barbuda, Barbados, Brunei Darussalam, Democratic Republic of the Congo, Gambia, Ghana, Guyana, Iraq, Jamaica, Jordan, Malaysia, Myanmar, Sierra Leone, Uganda.

60. *Operative paragraph 9 was maintained by 114 votes to 30, with 14 abstentions.*

61. *Ms. Jo-Phie Tang (Singapore)* recalled that, during the fifty-eighth session, her delegation had expressed concern at the inclusion in the draft resolution under consideration at the time of references to the elimination of corporal punishment, advancing the explanation that, in its opinion, it was for each sovereign State to determine its domestic policies. Since, as was illustrated by operative paragraphs 23 (b) and 38 (b) of draft resolution A/C.3/59/L.29/Rev.1, the position of the main sponsors remained unchanged, her delegation requested that two separate votes be taken, one on paragraph 23 (b) as a whole and the other on the

words "corporal punishment" appearing in the second line of paragraph 38 (b), and announced that her delegation would cast a negative vote in both cases.

Operative paragraph 23 (b)

62. *Mr. Cardoso (Brazil)*, speaking in explanation of the sponsors' vote before the voting, said that, for the reasons already stated, the sponsors would vote in favour of the maintenance of the paragraph and enjoined other delegations to do likewise.

63. *A recorded vote was taken.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

Guyana, Malaysia, Nigeria, Palau, Singapore, United Republic of Tanzania, United States.

Abstentions:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Myanmar, Oman, Pakistan, Qatar, Republic of Korea, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

64. *Operative paragraph (b) was maintained by 123 votes to 7, with 32 abstentions.*

The words "corporal punishment" in paragraph 38 (b)

65. Mr. Cardozo (Brazil), speaking in explanation of the sponsors' vote before the voting, said that, for reasons already stated, the sponsors would vote in favour of the maintenance of the two words in question and enjoined other delegations to do likewise.

66. *A recorded vote was taken.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia

and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

Malaysia, Nigeria, Singapore, United Republic of Tanzania.

Abstentions:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kuwait, Lao People's Democratic Republic, Myanmar, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

67. *The words "corporal punishment" appearing in operative paragraph 38 (b) were maintained by 130 votes to 4, with 33 abstentions.*

68. Mr. Degia (Barbados), speaking in explanation of his delegation's vote on operative paragraphs 23 (b) and 38 (b), said that, contrary to previous years, his country had been unable to join the sponsors of the draft resolution because of its references to corporal punishment, a subject on which the international community was not unanimous. His delegation's abstention did not mean that Barbados disagreed with the draft's general orientation or with the principles it set forth in connection with the promotion and protection of the rights of children.

69. Mr. Moon Seoung-hyun (Republic of Korea) said that corporal punishment was not a practice likely to advance the rights of children nor a good means of correcting their behaviour. His delegation considered, however, that corporal punishment in schools could have its uses provided it was practised openly and in a strictly administrative manner. His Government had laid down precise guidelines for teachers in that connection. For that reason, his delegation had abstained from voting on paragraph 23 (b). It had, however, voted in favour of maintaining the words

"corporal punishment" in paragraph 38 (b). The use of such punishment in places of detention was prohibited by law, but there was always a risk that such establishments might not scrupulously observe the rules out of sight of the legal authorities. The Republic of Korea regretted having been unable to join the sponsors of the draft resolution.

70. Ms. Je-Phie Tang (Singapore) said that her country, firmly resolved to discharge the obligations arising from the Convention on the Rights of the Child, had devoted considerable resources to ensuring the health, security and education of children. It was, however, convinced that each sovereign State had the right to decide on the policy it wished to pursue at the domestic level as regards discipline in educational or penal establishments and in the home and on the means it chose to employ in dealing with hooliganism and juvenile delinquency. While respecting the position of countries which took the view that no form of physical punishment should be applied to children, her delegation did not think it appropriate that the international community should regulate the policies of other countries in detail without taking into account the circumstances of each particular society. Singapore had therefore voted against the references to corporal punishment contained in operative paragraphs 23 (b) and 38 (b).

Draft resolution A/C.3/59/L.29/Rev.1 as a whole

71. Mr. Camponovo (United States of America) expressed appreciation of the interest shown by the United Nations, and particularly the Third Committee, in questions relating to children and of the contributions of other nations and organizations towards the promotion and protection of the rights of the child. The United States, for its part, conducted many multilateral and bilateral activities designed to help children by endeavouring to improve maternal and infant health, to vaccinate children, to fight HIV/AIDS, to train health providers, to improve water supply and sanitation, to educate children and to protect them from the effects of war. Such activities were exercised either directly through United States missions abroad or in partnership with other countries and organizations such as WHO, UNICEF, UNHCR and ICCR, to which the United States made larger contributions than any other country. Furthermore, the United States had ratified both Optional Protocols to the Convention on the Rights of the Child, as well as ILO Convention No. 182

concerning prohibition of the worst forms of child labour and immediate action towards their elimination. Lastly, his country was extremely active within a local framework of child protection that was independent of the Convention.

72. The United States endorsed many of the principles upheld in the draft resolution, in particular operative paragraphs 10 to 13 and 38, although it felt that the text suffered from faults and omissions that should have been rectified. For example, the draft might have been shorter and more focused on specific issues of critical importance for children and on topics not dealt with elsewhere. His delegation would nevertheless vote against the draft resolution because it contained certain terms it could not accept and had asked the sponsors to eliminate. In particular, the Convention was in conflict with parental authority and local United States laws. It was unacceptable that the Convention should constitute the standard for the promotion and protection of the rights of children to the exclusion of other international instruments dealing with the same matters. The United States, because of its federal system, was opposed to any call for the abolition of the death penalty for minors. The terms employed in the draft in connection with the International Criminal Court would gain from being less prescriptive. Lastly, the United States was opposed to any proposal having budgetary implications, in particular the costly proposal to divide the Committee on the Rights of the Child into two chambers.

73. Ms. Temar (India) announced that her delegation would abstain from voting on the draft resolution as a whole. Since the fifty-sixth session of the General Assembly, India had no longer felt able to be a sponsor of the draft resolution on the rights of the child. The reason did not lie in any lessening of interest in the rights of children, which India remained determined to promote and protect. In that connection, it should be noted that the Committee on the Rights of the Child had considered India's second periodic report in January 2004 and that India had adopted a National Children's Charter in February 2004.

74. The Convention on the Rights of the Child, which had 192 States parties, constituted the most comprehensive framework for the protection of those rights. By ruling out any reference to article 4 of the Convention, which dealt with resources and international cooperation, and by refusing to accept a wording that recognized the need for adequate financial

resources in order to ensure children's economic and social rights and to contribute towards the international community's efforts in helping States, especially developing ones, to achieve those goals, the sponsors of the resolution had, during the negotiating process, manifested their lack of transparency and loyalty and their failure to respect the obligations arising from that article.

75. Her delegation had tried to participate actively in the negotiations on the draft resolution with the intention not only to arrive at a collective reaffirmation of the obligations undertaken by Governments but also to open a debate on the question of international cooperation. The sponsors of draft resolution A/C.3/59/L.29/Rev.1 had considerably modified the draft, thus altering a previously agreed wording. Moreover, new ideas had been inserted in the text without sufficient preliminary consultation, for example the proposals in paragraphs 51 (d) and 9, although the point had been made more than once that the General Assembly ought not to give the impression of dictating rules of behaviour to treaty bodies. The insistence of the draft's sponsors on maintaining changes in the draft that failed to command the Committee's full approval was contrary to the desired spirit of consensus. Her delegation further regretted that the sponsors had failed to take account of certain constructive suggestions she had made, for example the inclusion of the wording of paragraph 6 (a) of resolution 58/147 on the rights of the child or the incorporation of the words "in a development perspective" in the preamble.

76. India wished to reaffirm strongly the view that consensus had to be sought among all members of the Committee and not only among a draft resolution's sponsors. In future, it would continue to participate actively in negotiations in order to ensure that the important and legitimate concerns of a number of delegations, including its own, were taken into consideration.

77. *A recorded vote was taken.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina,

Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Palau, United States of America.

Abstentions:

India, Indonesia, Iraq.

78. *Draft resolution A/C.3/59/L.29/Rev.1 as a whole was adopted by 170 votes to 2, with 3 abstentions.*

79. Mr. Takase (Japan), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution because the protection of children at both national and international levels remained one of Japan's major concerns. While appreciating the sponsors' efforts to rationalize the draft, he had been unable to become a co-sponsor by reason of the wording of paragraphs 9 and 51 (c). With regard to the former, his delegation had voted in favour of the amendments proposed in documents A/C.3/59/L.81 and L.83. Aware of the urgent need to find a solution to the problem of the backlog of reports by States members of the Committee on the Rights of the Child, he was not categorically opposed to the idea of dividing the Committee into two chambers. However, he was convinced that the matter should be considered within the framework of a general reform of all treaty bodies faced with similar difficulties. It was questionable whether dealing with the problem on a case-by-case basis and choosing palliatives which increased the financial burden on Member States was the best approach. He hoped that the adoption of the draft resolution did not signify that the methods of work of the Committee on the Rights of the Child would no longer be debated, and regretted that not enough time and information had been available for an in-depth discussion of the financial and operational implications of the new system.

80. As regards paragraph 51 (c), his delegation had supported the amendments in document A/C.3/59/L.81 because of the agreement reached in the Third Committee that the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict should be financed by voluntary contributions. For that reason, Japan found it difficult to agree that the mandate should be funded from the regular budget, as the resolution implied. His delegation wished to see a more transparent, responsible and coherent approach on the part of the Third Committee and hoped that its concerns would be taken into consideration in future, thus enabling it once again to join the sponsors of future resolutions on the item under consideration.

81. Ms. Jo-Phie Tang (Singapore), explaining her delegation's position on paragraph 3 of the draft relating to reservations, said that the Vienna Convention on the Law of Treaties, which applied to the Convention on the Rights of the Child as it did to all international treaties, distinguished between

authorised and unauthorised reservations and, in its paragraph 19, expressly allowed reservations to be lodged provided they were not incompatible with the object and purpose of the treaty concerned. Furthermore, article 51 (2) of the Convention on the Rights of the Child prohibited only those reservations that were incompatible with the purposes and goals of the Convention. To press States to review their authorised reservations with a view to withdrawing them was therefore inappropriate, since the whole point of reservations was to enable the greatest possible number of States to become parties to international treaties within the shortest possible time while at the same time offering them a certain flexibility with regard to the instrument's implementation in the light of their particular situation. Her delegation was perturbed by the tendency of some delegations to discourage the lodging of reservations, which might dissuade countries from becoming parties to international treaties. If it was deemed that certain obligations could not form the subject of reservations, then the instrument should say so.

82. Her delegation's position, as stated in the present explanation of vote, applied to all similar references to reservations appearing in draft resolutions.

83. Her delegation considered further that, given the importance of the subject matter of the draft resolution just adopted, the text ought not to contain elements other than those commanding a consensus, so as to enable the General Assembly to pronounce itself unequivocally and with a single voice on the questions of the rights of children. The number of separate votes taken on separate parts of the resolution proved that its contents were not unanimously accepted. The Committee had therefore been obliged to go through a whole series of votes, which was most unusual. Her delegation hoped that the situation would not recur in future.

84. Mr. Xie Bohua (China) said that his country was traditionally a sponsor of the resolution on the subject of the rights of the child. However, the negotiations on draft resolution A/C.3/59/L.29/Rev.1 had revealed differences of opinion and certain delegations had made positive proposals, which had not been taken into account. The Committee had therefore been obliged to take a series of votes, which was most unusual. His delegation hoped that the situation would not recur.

85. Ms. Loguzzo (Argentina), making a general statement, expressed regret that consensus had not been achieved on the text of a draft resolution dealing with what was an issue of common concern and a matter of priority for all countries, as was borne out by the fact that the Convention on the Rights of the Child was among the instruments with the greatest number of ratifications. It would seem, therefore, that a comprehensive resolution covering all questions relating to the protection of children throughout the world ought to command a consensus. Yet the Third Committee had been obliged, after prolonged and difficult negotiations, to take a number of votes, including on paragraphs with regard to whose wording agreement had been reached, a situation due, in particular, to the inclusion in the draft of provisions having financial implications. Her delegation hoped that future draft resolutions on the subject of children's rights would be adopted by consensus.

Decision on a suggestion by the Chairman

86. The Chairman suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Rights of the Child (A/59/41).

87. *It was so decided.*

88. The Chairman stated that the Committee had thus completed the consideration of agenda item 101.

The meeting rose at 6.20 p.m.